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REMARKS

Claims 1-21 and 23-31 are pending in the present application and were examined. Claims 6-10 are rejected. In response, Claim 6 is amended, no claims are cancelled and no claims are added. Applicants respectfully request reconsideration and withdrawal of the rejections of record in view of such amendment and the following remarks.

I. Objection to the Specification

The Examiner requests that the Applicants add a Summary of the Invention description to the specification. However, Applicants would kindly point out that neither the MPEP nor 37 CFR §1.73 requires the presence of a "Summary of the Invention" in a patent application. They merely indicate where in the application "Summary of the Invention" should be placed if Applicants were to elect to include one.

In particular, 37 CFR §1.73 only states that "[a] brief summary of invention ... should precede the detailed description." 37 CFR §1.73 does not state "must" or "shall." Accordingly, Applicants have elected not to include a "Summary of the Invention" as this is within the discretion of Applicants.

Therefore, Applicants respectfully request that the Examiner withdraw the objection to the Specification.

II. Rejection of Claims under 35 U.S.C. §101

Regarding Claims 6-10, the Examiner rejects Claims 6-10 under 35 U.S.C. §101 as directed to non-statutory subject matter. In response, Applicants amend Claim 6 to recite a machine readable storage medium. In view of Applicants' amendment to Claim 6, Applicants respectfully submit that Claims 6-10 are now directed to patentable subject matter. Therefore, in view of the amendment to Claim 6, Applicants respectfully request that the Examiner reconsider and withdraw § 101 rejection of Claims 6-10.

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CONCLUSION

In view of the foregoing, it is submitted that Claims 1-21 and 23-31, as amended, patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: January 25, 2007By: 

Joseph Lutz, Reg. No. 43,765

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CERTIFICATE OF FACSIMILE TRANSMISSION:
I hereby certify that this correspondence is being transmitted via facsimile to (571) 273-8300 on the date below addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Annic McNally01/25/2007
Date